

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALLEN G. HOLMES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:12-cv-680

JUDGE GREGORY L. FROST

Magistrate Judge Terence P. Kemp

ORDER

This matter is before the Court for consideration of the Magistrate Judge's June 17, 2013 Report and Recommendation. (ECF No. 26.) In that filing, the Magistrate Judge recommended that the Court grant each party's motion to remand (ECF Nos. 24, 25) so that an administrative law judge can conduct a new hearing and a new credibility assessment and issue a new decision. (ECF No. 26, at Page ID # 412.) The Report and Recommendation also advised the parties that the failure to object within fourteen days would "result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." (*Id.* at Page ID # 413.)

The Court has reviewed the Report and Recommendation and the motions. Noting that no objections have been filed, that the time for filing such objections has expired, and that the Magistrate Judge's reasoning is correct, the Court **ADOPTS** the Report and Recommendation (ECF No. 26), **GRANTS** the motions to remand (ECF No. 24, 25), and, pursuant to sentence

four of 42 U.S.C. § 405(g), **REMANDS** this matter for further proceedings. On remand, the further proceedings shall include, but need not be limited to, an administrative law judge conducting a new hearing, making a new credibility assessment, and issuing a new decision. The Clerk shall enter judgment accordingly and terminate this case on the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE